

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA

PLAINTIFF

v.

Case No. 09-CR-043 SPF

**LINDSEY KENT SPRINGER,
OSCAR AMOS STILLEY**

DEFENDANT

**JOINDER IN MOTION FOR RECONSIDERATION, DISMISSAL AND OR
FOR MISTRIAL DECLARATION DOCKET 224**

Comes now **OSCAR AMOS STILLEY**¹ by limited special appearance, and not a general appearance, and for his joinder in motion states:

Undersigned has read the pleading filed as docket #224 and joins therein.

In so doing Oscar Stilley would respectfully request that this Honorable Court focus in on the claims of the government at the present time. At the James hearing, the government cited an alleged joint action on the part of the defendants, claiming that both Stilley and Springer attempted to hide from authorities evidence of the recreational vehicle,

¹ It is presumed that the plaintiff is master of his own complaint. This complaint is styled in the name of "**UNITED STATES OF AMERICA**" as opposed to the people thereof, or any grand jury. Plaintiff, whoever that may actually be, named **OSCAR AMOS STILLEY** as a Defendant. Therefore, OSCAR AMOS STILLEY has appeared specially and limited, challenging jurisdiction, to defend against the charges to the extent required so to do by the law.

an automobile, and a trailer.

There are many problems with this theory, viewed from the perspective of Oscar Stilley. First, the government has not shown that the first production of documents by Oscar Stilley did not literally and technically comply with the subpoena first issued. If this allegation is erroneous surely the government would oblige us with proof. The government should reasonably expect questions along this line when Mr. Shern testifies, so it should not be difficult for the government to formulate their response in quiet reflection after reading this pleading.

Second, the government must surely acknowledge that Oscar Stilley did in fact testify at the grand jury concerning Mr. Snyder, and referenced other facts inconsistent with any possible desire to conceal.

Third and perhaps most importantly, the government withdrew a subsequent subpoena. How can the government allege proof of a conspiracy based upon a failure to give information, when the government actually withdrew its second grand jury subpoena?

Admittedly the government was between a rock and hard place. Persistence in the subpoena would evince a design to willfully flout governmental rules up to and including the supreme law of the land.

Abandonment severely blunts any claim that the compliance with the original subpoena was deficient in any way.

All this bobbing and weaving brings up another question. Is the government switching its theory? If not, why would the government present testimony of concerted action to conceal the Turner loan and the disposition of same? This was not alleged in the indictment, and it seems that something so momentous should have been part of the government's official case. The government would be well served to review the grand jury testimony of Oscar Stilley with an eye toward the defense of their own conduct during these proceedings.

Lastly, the government claims that it cannot turn over prior testimony of Mr. Shern from the Franks hearing and James hearing. The James hearing presents a somewhat more sympathetic situation due to time constraints, but the Franks hearing testimony should be readily available. Furthermore, it would seem that the government would at least provide a draft or preliminary transcript of the James hearing, at public expense, in order to assist all parties in presenting their claims accurately.

WHEREFORE, Defendant Oscar Stilley respectfully joins in the request for relief as stated by Lindsey Springer in docket #224; and also requests such

other relief as may be appropriate whether or not specifically prayed.

Respectfully submitted,

By: /s/ Oscar Stilley
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CERTIFICATE OF SERVICE

I, Oscar Stilley, by my signature above certify that I have this November 3, 2009, caused the Plaintiff to be served with a copy of this pleading by CM/ECF to: Kenneth P. Snoke, United States Attorney's Office, 110 W 7th Street, Suite 300, Tulsa , OK 74119-1013, ken.snoke@usdoj.gov; Charles A O'Reilly, US Dept of Justice, PO Box 972, Washington , DC 20044, email charles.a.o'reilly@usdoj.gov . Also by email to Lindsey K. Springer at Gnutella@mindspring.com .